SGIP IPR Working Group:

What Template to Use as Starting Point for SGIP IPR Policy?

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What We’ll Discuss

- SGIP IPR Policy: Template to Use as Starting Point
  - Overall Issues
  - ANSI Patent Policy – Considerations
  - IEEE Patent Policy – Considerations
  - Comparison of ANSI and IEEE Policies
SGIP IPR Policy Overview

- SGIP patent policy designed to cover SGIP-created standards, rather than catalog standards created by many other SDOs.
  - Avoids need to “reinvent the wheel”

- SGIP would like to use an existing patent policy as a starting point

- The ANSI Patent Policy and the IEEE Patent Policy have been suggested as preferred policies to use as a template
ANSI Patent Policy - Considerations

• ANSI accredits SDOs that span the breadth of economic activity

• Key Provisions
  - No objection in principle to inclusion of patented invention in specification with technical justification
  - ANSI requires a Statement from patent holder, however, accredited standards developers (ASDs) can (and some do) go further based on wishes of their members and IP context of industry in which they create standards.
IEEE Patent Policy - Considerations

• IEEE focuses on the two of the technologies at the heart of SmartGrid: power distribution and networking

• Key Provisions
  - No objection in principle to inclusion of essential claims in specification
  - Letter of Assurance (LoA) required from patent holder (Letter of Assurance or LoA)
  - Patent Holder agrees to bind any transferees or assignees to licensing commitments made in LoA
  - LoA binds both the company and affiliates of company
IEEE Patent Policy – Considerations (cont.)

• Key Provisions (continued)

  ❑ An LoA submitted for a particular version of a standard is effective for subsequent versions of the standard

  ❑ Patent Holder is permitted, but not required, to submit any of the following terms in its LoA:
    ▪ Not To Exceed license fee or rate commitment
    ▪ A sample license agreement
    ▪ One or more of the material licensing terms

  ❑ Licensing commitments apply to both mandatory and optional portions of standard

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<thead>
<tr>
<th>IPR Policy Key Provisions</th>
<th>IEEE</th>
<th>ANSI</th>
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<tbody>
<tr>
<td>Allows RAND or RF terms</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Binds Company &amp; Affiliates</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Binds transferees and/or assignees</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Provides for submission of licensing details</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>LoA effective for subsequent versions of the standard</td>
<td>Yes</td>
<td>No</td>
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Summary

- IEEE policy better addresses IP issues that standardization in SmartGrid likely will confront
- The IEEE IPR Policy is the better choice for SGIP and SmartGrid
Thank you.